UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH DAKOTA CENTRAL DIVISION

MARK LILLIBRIDGE,

Civ. 10-4105-KES

Plaintiff,

VS.

NAUTILUS INSURANCE COMPANY,

Defendant and Third-Party Plaintiff,

vs.

DAC's II, INC., d/b/a Dakota Claims Service of Chamberlain,

Third-Party Defendant.

PLAINTIFF'S MOTION TO WITHDRAW AFFIDAVIT IN RESPONES TO COURT'S ORDER AWARDING ATTORNEY'S FEES

Plaintiff Mark Lillibridge requests to have his Affidavit in Response to Court's Order

Awarding Attorneys' Fees (Doc. 130) withdrawn.

Dated this 23rd day of May, 2013.

CUTLER & DONAHOE, LLP Attorneys at Law

/s/ Robert D. Trzynka

Michael D. Bornitz Robert D. Trzynka 100 N. Phillips Avenue, 9th Floor PO Box 1400

Sioux Falls, SD 57101-1400 Telephone: (605) 335-4950 Facsimile: (605) 335-4966 <u>MikeB@cutlerlawfirm.com</u> <u>BobT@cutlerlawfirm.com</u> Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I certify that on the 23rd day of May, 2013, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the appropriate parties:

• Nicole L. Brand nbrand@meagher.com,mwetzel@meagher.com

• Robert J. Cosgrove rcosgrove@wcmlaw.com

• Richard O. Gregerson Dick.Gregerson@woodsfuller.com,Beth.Quarnstrom@woodsfuller.com

• Laura J. Hanson lhanson@meagher.com,cunger@meagher.com

James Ellis Moore James.Moore@woodsfuller.com,Melissa.Sasker@woodsfuller.com

• **Justin G. Smith** justin.smith@woodsfuller.com,ginger.lund@woodsfuller.com

/s/ Robert D. Trzynka
Michael D. Bornitz
Robert D. Trzynka
Cutler & Donahoe, LLP
100 N. Phillips Avenue, 9th Floor
PO Box 1400
Sioux Falls, SD 57101-1400
Telephone: (605) 335-4950
Facsimile: (605) 335-4966

MikeB@cutlerlawfirm.com
BobT@cutlerlawfirm.com
Attorneys for Plaintiff